

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

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ALLEN BINSTOCK, REGIONAL DIRECTOR, REGION 8  
OF THE NATIONAL LABOR RELATIONS BOARD,

Petitioner,

CASE: 5:16-CV-01060

AND

DHSC, LLC, d/b/a AFFINITY MEDICAL  
CENTER,

JUDGE BENITA Y. PEARSON

Respondent

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AFFIDAVIT OF COMPLIANCE

Respondent, DHSC, LLC, d/b/a Affinity Medical Center ("Affinity") by Bryan T. Carmody of Carmody & Carmody, LLP, for its Affidavit of Compliance, tenders the following:

1. On September 5, 2017, this Court entered an Order granting the Petition for Injunctive Relief Under Section 10(j) of the National Labor Relations Act ("Petition"). The Order requires Respondent to file an affidavit of compliance within twenty days of the Order. This Affidavit of Compliance is tendered to fulfill that obligation.
2. As required by the Order, Affinity will bargain in good faith with the Union as the exclusive collective bargain representative of employees in the unit during the interim period concerning employees' terms and conditions of employment and, if an understanding is reached, embody the understanding in a written, signed agreement.
3. As required by Paragraph (b) of the Order, Affinity has furnished the Union with the information requested concerning the QHC spinoff.
4. As required by Paragraph (c) of the Order, Affinity has furnished the Union with the requested information pertaining to the discharges of Michelle Hastings and Tara Magrell as set forth in the Union's September 2, 2015 and November 13, 2015 requests. On request, Affinity will bargain in good faith with the Union over the discharges of Magrell and Hastings. To date, no request to bargain has been made by the Union.
5. As required by Paragraph (d) of the Order, upon request of the Union, Affinity will rescind the offer of employee group discounts offered through QHC Benefits Plus, and the offer of long term care insurance to employees in the unit. To date, no request to rescind these offers of benefits has been made by the Union.

6. As required by Paragraph (e) of the Order, Affinity and the Union have agreed to meet on October 5, 6, and 9, 2017 for bargaining. Affinity will continue to meet with the Union at mutually agreed upon dates and times until either a complete collective bargaining agreement or an impasse is reached.

7. As required by Paragraph (f) of the Order, on September 12, 2017, Affinity posted copies of the District Court's Order at the Respondent's Massillon, Ohio facility in all locations where other notices to employees are customarily posted. The postings are free from all obstructions and have been reviewed by an Agent of the National Labor Relations Board and found to be satisfactory. Affinity will continue to grant access to Agents of the National Labor Relations Board to maintain compliance with the posting requirements.

8. As required by Paragraph (g) of the Order, on September 15, 2017, Affinity held two meetings at its facility, scheduled to ensure the widest possible audience, at which a Board Agent read, in the presence of a responsible management official, the District Court's Order. The vast majority of the registered nurses work 12 hour shifts from 7:00am to 7:00pm, or from 7:00pm to 7:00am. The meetings were held at 6:30am to accommodate the night shift, and at 12:00 noon to accommodate the day shift. As noted in Affinity's letter to the Court dated September 21, 2017, the two meetings held on September 15<sup>th</sup> constitute satisfactory compliance with the Order. However, as also stated in the September 21<sup>st</sup> letter, in order to avoid burdening the Court with further litigation in response to the Petitioner's claim that the two meetings were inadequate, Affinity will coordinate with the Petitioner to determine a mutually acceptable date when the Board Agent may read the Order at meetings held by Affinity at 6:30pm and 7:45pm.

9. As required by Paragraph (h) of the Order, the undersigned hereby tenders a sworn affidavit on behalf of Respondent, setting forth the manner in which Respondent has complied with the terms of the Court's Order, including how and when it posted the documents required by the Order.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: September 25, 2017

Respectfully submitted,

Carmody & Carmody, LLP

BY

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**CERTIFICATE OF SERVICE**

I hereby declare that, on September 25, 2017, I electronically filed the foregoing with the Clerk of the Court using the ECF system, which will send notification of such filing to all counsel of record.

Respectfully submitted,

/s/ Bryan T. Carmody

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